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UPDATE - Simplified Labeling Procedures in Mexico's Border Areas

Report Categories:

Exporter Guide
Market Development Reports
Policy and Program Announcements
Retail Food Sector
Trade Policy Monitoring

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Report Highlights:

This report summarizes a notice from Mexico's Secretariat of Economy published in the Federal Registry on March 23, 2011, updating the special labeling conditions that apply to products commercialized in Mexico's border zones in accordance to the revised NOM-051-SCFI/SSAI-2010 labeling standards. U.S. exporters may find this special treatment beneficial when shipping products to these areas.

General Information:

DISCLAIMER: The following document includes translations of Spanish-written regulation; in the event of a discrepancy or discrepancies between these translations and the complete regulations or announcements as published in Spanish, the latter shall prevail. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of current import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped.

BACKGROUND/REFERENCE

This report summarizes a notice from Mexico's Secretariat of Economy published in the Federal Registry on March 23, 2011, updating the special labeling conditions that apply to products commercialized in Mexico's border zones in accordance to the revised NOM-051-SCFI/SSAI-2010 labeling standards. U.S. exporters may find this special treatment beneficial when shipping products to these areas.

On April 5, 2010, the Secretariat of Economy (Spanish: [Secretaría de Economía](#), or SE) published the new version of its main food and beverage labeling regulation: General labeling and sanitary specifications for pre-packaged food and non-alcoholic beverages, (Spanish: [NOM-051 - Especificaciones generales de etiquetado para alimentos y bebidas no alcohólicas preenvasados](#), commonly known as NOM-051) which became effective on January 1, 2011.

Most food and agricultural products imported into Mexico for retail are required to comply with NOM-051. However, the Mexican government has defined simplified procedures to the labeling requirements in NOM-051 on imported products that are shipped to, and commercialized in, defined border areas (border zone and border strip). For a definition of these areas, please review GAIN Report MX9505 – Simplified Labeling Procedures in Mexico's Border Areas.

REGULATION INFORMATION

Title: “Procedures for compliance evaluation: Simplified procedures for the verification of information required by Mexican Official Standard NOM-051-SCFI/SSAI-2010 – General labeling and sanitary specifications for pre-packaged food and non-alcoholic beverages – Commercial and sanitary information, applicable to companies in the border zone and border strip” (Spanish: [Procedimientos para la evaluación de la conformidad: procedimientos simplificados para la verificación de la información de productos sujetos al cumplimiento de la Norma Oficial Mexicana NOM-051-SCFI/SSAI-2010, Especificaciones generales de etiquetado para alimentos y bebidas no alcohólicas preenvasados-Información comercial y sanitaria aplicables a las empresas de franja y región fronteriza](#)).

Type of Ruling: Establishment of simplified procedures for labeling compliance.

Important Dates:

1. Simplified Procedures were published: March 23, 2011.
2. Ruling will go into effect: May 21, 2011.

3. NOM-051 enforcement date for all pre-packaged foods and non-alcoholic beverages for retail: January 1, 2011.

Products Affected: All products required to comply with NOM-051 that would be commercialized in the border zone and border strip, per the provisions defined in Section XV of Article 10 of the “Agreement which identifies the Harmonized Tariff Codes for products subject to compliance of Mexican Official Standards when entering or exiting the country” (Spanish: [Acuerdo que identifica las fracciones arancelarias de la Tarifa de la Ley de los Impuestos Generales de Importación y de Exportación en las que se clasifican las mercancías sujetas al cumplimiento de Normas Oficiales Mexicanas en el punto de entrada al país y su salida](#)). It should be noted that some NOM-051-regulated products like poultry-based food preparations and meat, poultry & pork offals, dried pastas, bakery ingredients, and cookies/wafers, are not eligible for this simplified labeling procedures when imported into the border regions and must comply fully with NOM-051 requirements, regardless of their final destination.

Agency in Charge: Secretariat of Economy (SE).

FAS/Mexico Summary: The Mexican government considers the border regions as “special zones” and has established unique provisions for products that are imported into and commercialized within these zones. One such provision covers the labeling of food and beverages commercialized in these areas. This regulation creates a simplified labeling procedure for products required to comply with NOM-051 as long as they remain in the border zone.

The simplified procedure, or exemption from full compliance with NOM-051, allows eligible products to be sold in the border zone with the original product labels, i.e., no bilingual label. However, Mexican retailers/distributors selling such products may be required to provide additional information on the products at the point of sale. Examples of additional information is using posters on the display shelf or having demonstrations at the point of sale.

To commercialize products in the border zones under the simplified labeling procedures, the importer must submit the import document (Spanish: pedimento) using the specific tariff code that the Secretariat of the Treasury and Public Finance (Spanish: [Secretaría de Hacienda y Crédito Público](#), or SHCP) defines for products using these procedures (this information can be obtained/verified by a customs broker/freight forwarder). The importer must also include a letter stating that he/she will comply with the simplified requirements described above and that said products will not be introduced into areas outside of the border zone unless the labels are in full compliance with NOM-051.

Following is a summarized translation of the simplified labeling requirements:

1. Consumer information: Consumers should receive assistance on product information not in Spanish from informational displays or by trained staff at the point-of-sale (store employees, demonstration staff, etc.)
2. Description of product and contents: Information and product description may be included in the shelves where the product is displayed or in easy-to-read posters. This information is not required when the product is easily identifiable by the consumer. Per the new version of NOM-051, the product description cannot include, or refer to, any diseases, indications, symptoms, or anatomical or physiological facts.

3. Expiration dates and lot number: This information should be included in the shipping package and wherever the product is displayed and should match the information declared by the manufacturer.

4. Information on the product's responsible agent: Information on the product's responsible agent (manufacturer or importer) can be provided in the sale's receipt. Companies commercializing products under these simplified procedures can be considered as the product's responsible agent.

5. Hazard warnings: When a product, or one of its components or ingredients, represents a consumer-health hazard (by the product's consumption, application or handling), such hazard information should be clearly displayed in the product's package making reference to the risk-associated ingredient. If said information is not in Spanish, it should also be included in the product's display area, using clear and easy-to-see signs.

6. Instructions for conservation, use, preparation and consumption: Labels should include conservation instructions, explaining the optimal requirements for the product's preservation (examples: refrigerate after opening, keep away from fire) and, when applicable, the use, preparation and consumption instructions. If said information is not in Spanish, it should also be included in the product's display area, using clear and easy-to-see signs.

7. Instructions and guarantees: When the use of a product requires instructions or warranties, these should be provided in Spanish or, when applicable, by use of universal signs and can be provided separately to the consumer when the sale is complete.

8. Ingredients list and quantitative ingredient labeling: All products should include an ingredients list, except for those products made up of only one ingredient. If said information is not in Spanish, it should also be included in the product's display area, using clear and easy-to-see signs.

9. Country of origin: Information about the product's country of origin should be displayed in the shipping package and wherever the product is displayed.

10. Nutritional information: Nutritional information (except for products listed in numeral 4.2.8.2.4. of NOM-051) should be displayed in the shipping package. If said information is not in Spanish, it should also be included wherever the product is displayed using clear and easy-to-see signs and should match the information declared by the manufacturer.

11. If imported products are to be commercialized outside the border region, the product shall fully comply with NOM-051.

12. These simplified procedures also apply for domestic products commercialized in the border regions.

13. Information verification: These simplified procedures do not exempt products from a commercial information verification process (i.e., audits) and if any controversy arises, the SE's General Directorate for Standards (Spanish: [Dirección General de Normas](#), or DGN) and the Secretariat of Health's Federal Commission for Sanitary Risk Protection (Spanish: [Comisión Federal para la Protección contra Riesgos Sanitarios](#), or COFEPRIS) will provide opinions and resolutions to ensure the accurate application of these procedures.

FOR MORE INFORMATION

FAS/Mexico Web Site: We are available at: <http://www.mexico-usda.com> or visit the FAS headquarters' home page at: <http://www.fas.usda.gov> for a complete selection of FAS worldwide agricultural reporting.

FAS/Mexico YouTube Channel: Catch the latest videos of FAS Mexico at work:
<http://www.youtube.com/user/ATOMexicoCity>

Other Relevant Reports Submitted by FAS/Mexico:

Report Number	Subject	Date Submitted
MX0514	Mexico Issues Notice on NOM-051 Labeling Revisions	12/21/2010
MX0312	Update on Revised NOM-051 Labeling Requirements	10/18/2010
MX0505	Mexico Revises Food Labeling Regulations	06/17/2010
MX9505	Simplified Labeling Procedures in Mexico's Border Areas	12/17/2009
MX9331	Mexico Proposes New Labeling Requirement for Non-Alcoholic Beverages	10/28/2009
MX9325	FAIRS Country Report 2009	08/20/2009
MX9324	Mexico Proposes Labeling Changes for Food and Nonalcoholic Beverages	08/06/2009
MX1223	Labeling Procedures for Consumer Products in Mexico	12/20/2001

Useful Mexican Web Sites: Mexico's equivalent to the U.S. Department of Agriculture (SAGARPA) can be found at <http://www.sagarpa.gob.mx> and Mexico's equivalent to the U.S. Department of Commerce (SE) can be found at <http://www.economia.gob.mx> These web sites are mentioned for the readers' convenience but USDA does NOT in any way endorse, guarantee the accuracy of, or necessarily concur with, the information contained on the mentioned sites.